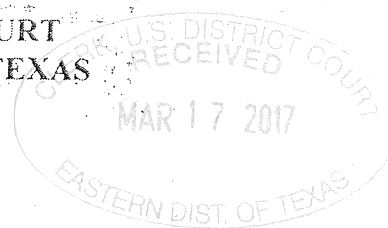


PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

IN THE UNITED STATES DISTRICT COURT  
FOR THE Eastern DISTRICT OF TEXAS  
Tyler DIVISION



Johnny B. Walker #1215501  
Plaintiff's Name and ID Number

Coffield Unit - 2661 FM 2054 -  
Place of Confinement Tenn. Colony, TX 75884

CASE NO. 6:17CV166 RWS/JDL  
(Clerk will assign the number)

v.

Loisie Davis - Director of Texas Dept. of Criminal Justice  
Defendant's Name and Address Price Daniel, Sr. Bldg. - 204 W. 14th St., Rm. 500 / Austin, TX 78701

(TDCJ) Texas Criminal Justice Board  
Defendant's Name and Address Price Daniel, Sr. Bldg. - 204 W. 14th St., Rm. 500 / Austin, TX 78701

Stated Within  
Defendant's Name and Address  
(DO NOT USE "ET AL.")

## INSTRUCTIONS - READ CAREFULLY

## NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

**FILING FEE AND IN FORMA PAUPERIS (IFP)**

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of \$400.00.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

**CHANGE OF ADDRESS**

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "NOTICE TO THE COURT OF CHANGE OF ADDRESS" and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

**I. PREVIOUS LAWSUITS:**

- A. Have you filed any other lawsuit in state or federal court relating to your imprisonment? YES ☒ NO
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
  1. Approximate date of filing lawsuit: N/A
  2. Parties to previous lawsuit:
   
Plaintiff(s) N/A
  
Defendant(s) N/A
  3. Court: (If federal, name the district; if state, name the county.) N/A
  4. Cause number: N/A
  5. Name of judge to whom case was assigned: N/A
  6. Disposition: (Was the case dismissed, appealed, still pending?) N/A
  7. Approximate date of disposition: N/A

II. PLACE OF PRESENT CONFINEMENT: H.H. COFFIELD Unit 2661 FM 2054, TENN. Colony, Texas 75884

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure?

☒ YES ☐ NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.  
SEE ATTACHED AS EXHIBIT A - 8 GRIEVANCES & 2 LETTERS

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: Johnny Lee Walker #1215501

2661 FM 2054 - H.H. COFFIELD UNIT

TENNESSEE Colony, Texas 75884

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Lori Davis; Director of T.D. C.J.-CIN; Price Daniels Unit  
Sc. Bldg. 204 W. 14th Street Rm 500, Austin Texas 78701

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.  
Denial of basic necessities of life & freedom from inhumane conditions of confinement in violation of the 8th & 14th Amendment

Defendant #2: Bryan Collier; Executive Director of T.D. C.J.-CIN  
P.O. Box 99, Huntsville Texas 77342

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.  
Denial of basic necessities of life & freedom from inhumane conditions of confinement in violation of the 8th & 14th Amendment.

Defendant #3: Terry Catoe, Senior Warden of the H.H. COFFIELD Unit.  
2661 FM 2054, TENNESSEE Colony, Texas 75884

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.  
Denial of basic necessities of life & freedom from inhumane conditions of confinement in violation of the 8th & 14th Amendment.

Defendant #4: Jeffery Richardson, Associate Warden of the H.H. COFFIELD Unit  
2661 FM 2054, TENNESSEE Colony, Texas 75884

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.  
Denial of basic necessities of life & freedom from inhumane conditions of confinement in violation of the 8th & 14th Amendment.

Defendant #5: Patrick Cooper, Associate Warden of the H.H. COFFIELD Unit  
2661 FM 2054, Tennessee Colony, Texas 75884

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.  
Denial of basic necessities of life & freedom from inhumane conditions of confinement in violation of the 8th & 14th Amendment.

## V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

*This Complaint is about the TOTALITY of my living conditions - I am forced to live in an inhumane environment, although myself and others over the years have repeatedly requested an end to these inhumane conditions*  
 1) Double-celling in a cell measuring 45 sq. ft. or less for 24 hours per day for weeks at a time. 2) Sleep-Deprivation on a nightly basis where I am awoken for laxing, mail, etc, so that I get less than 5 hours of uninterrupted sleep. 3) There are no toilets in the dormitory, which causes me to hold my bowels for 24-36 hours, as well as be exposed to the feces of others when they defecate on the floor or on themselves. 4) Showers Overcrowded with more than 100 prisoners in area designed for 60. 5) Extreme heat with no oscillating or exhaust fans in the dormitories. - And MORE  
 VI. RELIEF: See Memorandum of Law and attached grievance #2015157843

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

## VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

## VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES ☒ NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division):

2. Case number:

3. Approximate date sanctions were imposed:

4. Have the sanctions been lifted or otherwise satisfied? YES ☒ NO



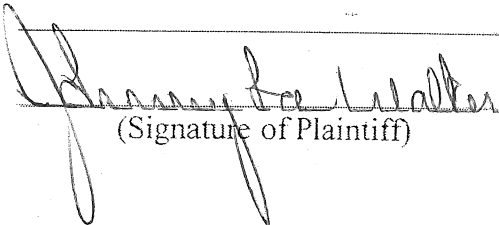
The Totality of Double-celling, Sleep Deprivation, the absence of toilets in the dayrooms and Rec-Yards, Overcrowded showers, and extreme heat are subhuman living conditions, which have been repeatedly over the years been brought to the attention of the Defendants directly as well as through their agents and employees via the grievance process. The answer most often given is that Coffield does not have to meet OSHA and AHA Standards because it was built prior to the 2250 style units, and ingress and egress is done every hour, yet they know from Operations Review (cameras) that the doors do not roll for 2 and 3-hours with logs being falsified. The Coffield Unit is best described as a "Third World Ghetto," which the Plaintiff ask this Court to visit one Sunday during the course of a major sporting event in order to get the full impact of what he is subjected to on a daily basis.

C. Has any court ever warned or notified you that sanctions could be imposed? YES ☒ NO ☐

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): \_\_\_\_\_
2. Case number: N/A
3. Approximate date warning was issued: \_\_\_\_\_

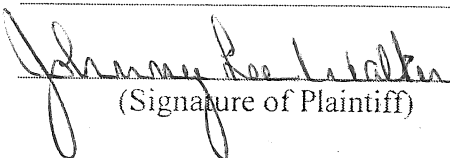
Executed on: \_\_\_\_\_  
DATE

  
(Signature of Plaintiff)

### PLAINTIFF'S DECLARATIONS

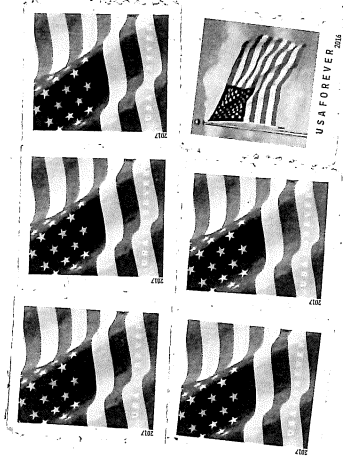
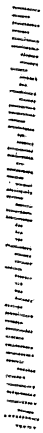
1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20 17  
(Day) (month) (year)

  
(Signature of Plaintiff)

**WARNING:** Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.

Johnny Lee Walker #1215501  
26601 Em. 2054 - Coffield  
Tennessee Colony, Texas 75884



LEGAL

United States District Court  
Clerk - David J. Maland  
211 W. Ferguson Street  
Tyler, TX 75702

Walker, et al, v. Davis, et al  
Evidence of Exhaustion  
of Administrative Remedies  
Exhibit A

1. Grievance # 2017048063 - Step 1 & 2
2. Grievance # 2015157843 - Step 1 & 2
3. Grievance # 2016149396 - Step 1 & 2
4. Grievance # 2016151210 - Step 1 & 2
5. Grievance # 2017073268 - Step 1
6. Grievance # 2017058519 - Step 1
7. Letter <sup>from</sup> John C. West, General Counsel acknowledging  
Notice of Intent to Sue
8. Letter from General Counsel, Sharon Howell acknowledging  
Notice of Intent to Sue
9. Grievance # 2015184345 - Step 1 & 2
10. Grievance # 2016192099 - Step 1 & 2

FEB 03 2017



Texas Department of Criminal Justice

# STEP 2

## OFFENDER GRIEVANCE FORM

Offender Name: WALKER JOHNNY LEE TDCJ # 1715501  
 Unit: 006 CO. Housing Assignment: 11124.I 6208  
 Unit where incident occurred: COFFIELD

## OFFICE USE ONLY

Grievance #: 2017048063  
 UGI Recd Date: DEC 19 2016  
 HQ Recd Date: DEC 27 2016  
 Date Due: 01-28  
 Grievance Code: 200  
 Investigator ID#: 18144  
 Extension Date: \_\_\_\_\_

You must attach the completed Step 1 Grievance that has been accepted. You may not appeal to Step 2 with a Step 1 that has been

signed by the Warden for your Step 2 appeal to be returned unprocessed.

Give reason for appeal (Be Specific). I am dissatisfied with the response at Step 1 because...

THIS IS AN OFFICIAL COMPLAINT FILED PURSUANT TO INMATE GRIEVANCE CODE #506 LIVING CONDITIONS (I.E. DOUBLE-CELLING, SLEEP DEPRIVATION, TOILETS IN THE DAYROOMS AND REC. YARD, OVERCROWDED SHOWERS, AND EXTREME HEAT), FILED AGAINST THIS ADMINISTRATION AS THEY HAVE BEEN REPEATEDLY REQUESTED OVER THE PAST COUPLE OF YEARS TO END THESE SUBHUMAN LIVING CONDITIONS PARTICULARLY BUT LIMITED TO WARDEN COOPER, WHO HAS STATED THAT COFFIELD DOES NOT HAVE TO MEET OSHA & ACA STANDARDS BECAUSE IT WAS BUILT PRIOR TO THE 2250 STYLE CELL AND INGRESS AND EGRESS IS DONE EVERY HOUR, YET HE KNOWS FROM OPERATION REVIEW THAT THE DOORS DO NOT ROLL FOR 2-3 HOURS WITH LOGS BEING FAISIFIED

- ① DOUBLE-CELLING IN A CELL MEASURING 45 SQ. FT. OR LESS FOR 24 HOURS PER-DAY FOR WEEKS AT A TIME IS CRUEL AND UNUSUAL - SEE RUIZ V. ESTELLE 679 F.2d 1115
- ② SLEEP DEPRIVATION ON A NIGHTLY BASIS WHERE I AM AWAKEN FOR LAY-INS, MAIL, COUNT, PULL-CURTAIN AND BREAKFAST SO THAT I GET LESS THAN 5 HOURS OF UNINTERRUPTED SLEEP - SEE HARPER V. SHOWERS 174 F.2d 716 AND WALKER V. SCHULTZ 717 F.3d 179
- ③ AND TOILETS IN DAYROOM OR REC. YARD IS A SERIOUS SANITATION HAZARD AS I AM REPEATEDLY EXPOSED TO FECES. - SEE FARMER V. BRENNAN 511 U.S. 825, 837-43
- ④ SHOWERS ARE CONSTANTLY OVERCROWDED CREATING A SAFETY AND HEALTH HAZARD BY PLACING MORE THAN 100-PRISONERS IN THE SHOWER WITH ONLY 60-SHOWER-HEADS SEE RHODES V. CHAPMAN 101 S.Ct. 2392
- ⑤ EXTREME HEAT - NO OSCILLATING OR EXHAUST FANS IN THE DAYROOM. ~~FEES~~

THESE REPRESENT IN THEIR TOTALITY CRUEL AND UNUSUAL PUNISHMENT EVEN IF THEY DO MEET OSHA AND ACA STANDARDS - SEE HELLING V. MCKINNEY, 509 U.S. 25, 32

I REQUEST TOILETS BE INSTALLED IN THE DAYROOMS AND REC. YARDS, AND/OR CELLS ON 1 AND 3 ROW BE DESIGNATED AS SUCH UNTIL THEY ARE INSTALLED. I REQUEST HOURLY INGRESS AND EGRESS. I REQUEST OSCILLATING AND EXHAU.

I-128 Front (Revised 11-2010)

YOUR SIGNATURE IS REQUIRED ON BACK OF THIS FORM

(OVER)

FANS BE INSTALLED - IN EACH DAYROOM, AND I REQUEST SINGLE CELL HOUSING PARTICULARLY DURING LOCKDOWN, ALTERNATIVELY I REQUEST PG HOUSING. AND NOT TO BE RETALIATED AGAINST BY WAY OF HOUSING DOWN GRADE, REFUSAL OF JOB ASSIGNMENT OR BY WAY OF DISCIPLINARY REPORT(S)

Offender Signature: \_\_\_\_\_

Date: DEC. 18, 2016

Grievance Response: \_\_\_\_\_

Currently you do not have a medical pass or a Classification designation that requires a single cell. If you believe this to be in error, you are encouraged to contact the Medical Department or Classification for immediate assistance. Your current housing is within your custody level and Medical restrictions. No policy violation noted.

Signature Authority: \_\_\_\_\_

Date: 24 / 17

Returned because: \*Resubmit this form when corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.\*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments.\*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate.\*

CGO Staff Signature: \_\_\_\_\_

**OFFICE USE ONLY****Initial Submission**

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

**2<sup>nd</sup> Submission**

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

**3<sup>rd</sup> Submission**

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

## Texas Department of Criminal Justice



# STEP 1

## OFFENDER GRIEVANCE FORM

Grievance #: 2017048063Date Received: 11-29-16Date Due: 1-8-16Grievance Code: 200Investigator ID #: I2204

Extension Date: \_\_\_\_\_

Date Ret'd to Offender: DEC 09 2016Offender Name: WALKER, JOHNNY LEE TDCJ # 1215501Unit: COFFIELD Housing Assignment: N1-104TUnit where incident occurred: CO-006

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? SAFETY OFFICER, A.C.A OFFICER, WARDENS VIA I-60 When? REPEATEDLYWhat was their response? NO REPLY TO DATE.What action was taken? THIS COMPLAINT

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

THIS IS AN OFFICIAL COMPLAINT FILED PURSUANT TO INMATE CODE #506  
LIVING CONDITIONS (I.E. TOTALITY) EXTREME HEAT; DOUBLE-CELLING; SLEEP  
DEPRIVATION; NO TOILETS IN DAYROOMS OR REC-YARDS; OVERCROWDED SHOWERS  
FILED AGAINST EACH OF THE OFFICIALS THAT HAVE BEEN REPEATEDLY  
CONTACTED OVER THE PAST YEARS BY MYSELF AND OTHERS, PARTICULARLY  
WARDEN COOPER, BUT NOT LIMITED TO HIM, WHO HAS STATED THAT THIS UNIT DOES  
NOT HAVE TO MEET OSHA AND A.C.A STANDARDS BECAUSE IT WAS BUILT PRIOR  
TO THE 2250 STYLE LIMITS AND BECAUSE INGRESS AND EGRESS IS DONE EVERY  
HOURLY. YET HE KNOWS THIS IS NOT THE TRUTH, AS OPERATIONS REVIEW AND THE  
ANSWER TO GRIEVANCE #2014200601 WILL REVEAL THERE ARE TIMES WHEN  
THE DOORS ARE NOT ROLLED FOR 3-HOURS, NOT TO MENTION LOCKDOWN WHEN  
I AM LOCKED-IN WITH ANOTHER 24-7 INSIDE CLOSET SPACE FOR WEEKS  
AT A TIME. (A CELL MEANT FOR ONE PERSON) ALTHOUGH ONE OF THESE A.C.A AND  
OSHA-STANDARDS MAY FAIL TO CONSTITUTE A VIOLATION OF THE 8<sup>TH</sup>  
8<sup>TH</sup> EIGHTH AMENDMENT. HOWEVER WHEN EACH OF THESE "FAILED TO BE MET  
STANDARDS" ARE COMBINED, THEY UNSQUIVOCALLY AMOUNT TO THE  
INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS, WHICH AMOUNTS TO  
CRUEL AND UNUSUAL PUNISHMENT-SEE- RHODES V. CHAPMAN, 101 S.Ct 2392 -  
I REQUEST SINGLE-CELL HOUSING, CAPACITY SIGNS IN THE SHOWER, TOILETS IN  
THE DAYROOMS AND REC-YARDS FIVE (5) HOURS OF UNINTERRUPTED SLEEP, INGRESS  
AND EGRESS EVERY HOUR ON THE HOUR SIGNED OFF BY A LIEUTENANT AND/OR MAJOR  
OSCILLATING FANS IN THE DAYROOMS ITS HOTTER IN THE DAYROOMS PACKED WITH PEOPLE

NOV 29 2016

I ASK NOT TO BE RETALIATED AGAINST BECAUSE OF THIS COMPLAINT BY WAY OF A  
DISCIPLINARY REPORT, HOUSING CHANGE OR JOB REFUSEAL

Action Requested to resolve your Complaint.  
I REQUEST SINGLE CELL HOUSING, FIVE HOURS OF UNINTERRUPTED SLEEP, TOILETS AND THE DAYROOMS AND  
OR CELLS DESIGNATED FOR JAIL, AND OSCILLATING FANS IN THE DAYROOMS.

Offender Signature: Johnny R. Walker #1715501 Date: NOV 28 2016  
Grievance Response:

Please present only one issue per grievance.

The Classification Department states that you are appropriately housed.

Signature Authority: Plaza P Cooper Date: 12-9-16

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response.  
State the reason for appeal on the Step 2 Form.

Returned because: \*Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. \*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments. \*
- ☐ 5. No documented attempt at informal resolution. \*
- ☐ 6. No requested relief is stated. \*
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. \*
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # \_\_\_\_\_
- ☐ 10. Illegible/Incomprehensible. \*
- ☐ 11. Inappropriate. \*

UGI Printed Name/Signature: \_\_\_\_\_

Application of the screening criteria for this grievance is not expected to adversely  
Affect the offender's health.

Medical Signature Authority: \_\_\_\_\_

OFFICE USE ONLY	
Initial Submission	UGI Initials: _____
Grievance #:	_____
Screening Criteria Used:	_____
Date Recd from Offender:	_____
Date Returned to Offender:	_____
2 <sup>nd</sup> Submission	UGI Initials: _____
Grievance #:	_____
Screening Criteria Used:	_____
Date Recd from Offender:	_____
Date Returned to Offender:	_____
3 <sup>rd</sup> Submission	UGI Initials: _____
Grievance #:	_____
Screening Criteria Used:	_____
Date Recd from Offender:	_____
Date Returned to Offender:	_____





## Texas Department of Criminal Justice

## STEP 2

OFFENDER  
GRIEVANCE FORM

Offender Name: LaWalker, Johnny Lee TDCJ # 1215501  
 Unit: COFFIELD Housing Assignment: X-103-T  
 Unit where incident occurred: COFFIELD

## OFFICE USE ONLY

Grievance #: 2015157843  
 UGI Recd Date: JUN 26 2015  
 HQ Recd Date: JUL 02 2015  
 Date Due: 07-31-15  
 Grievance Code: 506  
 Investigator ID#: T2044  
 Extension Date: \_\_\_\_\_

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). I am dissatisfied with the response at Step 1 because...

- 1) Under the condition of Confinement Unit Landon Richardson Coffield Security Staff are "not" currently replacing the Window Screens on the "Dayroom" windows. We have a bad Mosquito problem here on COFFIELD. The TDCJ Coffield Officials have knowledge of this matter, as well as Basic Human Needs.
- 2) Coffield Security Staff do Security "No Window Screens. We are being deprived of Basic Human Needs" Officials Knowledge of the daily deprivation. Officials fail to respond ~~responsibly~~ reasonably.
- 3) About the Fan Issue: A few officers Fall out, Pass out because of The Hot Extreme Texas Heat. COFFIELD Added a few new Fans to the B-Side Hallway / P3-P4 Hallways. There are (Fans) that sit on "1 Corridor and 3 Corridors. One on each end. They are known as the "Fan Fans" (NOT) the "Dayroom Fan" IS it on the fan its a runaway fan right? If its in the Cell, its a "Cell Fan" We do not have any such "Dayroom" "Fans" to provide "Cool Air" in the Dayroom. We request 2 Fans to be mounted over each TV Facing the Dayroom. TDCJ Officials/Officers are "Quitting" Not coming to work. Falling out because of the Extreme Heat. COFFIELD is understaffed! Officers/Inmates are "Dying" from the Extreme Heat. Because the Texas Department of Criminal Justice "Rather put "Air Condition" in the "Hog Barns" Men to keep the Human Beings Alive & well

"The Bottom Line"

Caffield need to Put The window screens on in Every Day Room and Mount 2 Fans In Each "Dayroom" Not on the Run outside the dayroom. You can see on the Unit Camera's and see the middle and back part half of the Dayroom gets no air whatsoever. Tell the Warden to sit in the Dayroom

Offender Signature: Jameson for Walker 1715501Date: June 24, 2015

Grievance Response: \_\_\_\_\_

An investigation of your Step I grievance was conducted and you were appropriately advised at the Unit Level. No further action is warranted.

Signature Authority: CMcKellan ARD CMcKellanDate: 13 July 15

Returned because: \*Resubmit this form when corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.\*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments.\*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate.\*

CGO Staff Signature: \_\_\_\_\_

**OFFICE USE ONLY****Initial Submission**

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

**2<sup>nd</sup> Submission**

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

**3<sup>rd</sup> Submission**

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

## Texas Department of Criminal Justice



## STEP 1

OFFENDER  
GRIEVANCE FORM

OFFICE USE ONLY

Grievance #: 2015157843Date Received: 6-12-15Date Due: 7-22-15Grievance Code: SokInvestigator ID #: P2204

Extension Date: \_\_\_\_\_

Date Retd to Offender: JUN 22 2015

Offender Name: Walker, Johnny Lee TDCJ # 1215501  
 Unit: CAFFIELD Housing Assignment: X 103 T  
 Unit where incident occurred: CAFFIELD

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Major B-side / B-side Captain When? 6/09/15

What was their response? Told to file a complaint

What action was taken? Decent Conditions / basic rights denied as a human

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

I'd like to address this complaint to the CAFFIELD Administration; About the matter of "Basic Human Needs and Rights" As of this time the CAFFIELD Unit is in Violation of Texas Prisoners Eighth Amendment which forbids "Cruel and Unusual Punishment."

1) I spoke to Major Melarosa and Wooden Richardson as well as All Shift Supervisors about getting the Screens put on the Dayroom and Hallway Windows of B-side Hallway P-4/P-3.

2) I have a right to somewhat decent Prison Conditions and Basic Human Rights and needs. I'm being confined in the Extreme Hot Temperature of the CAFFIELD Dayroom. I as a Human Being am Protected From Extreme Temperatures under the US Constitution Rights.

3) I request a Urgent/Reasonable Response on getting (2) two mounted Rotating Black fans placed in each Dayroom (A.S.A.P) Just like the ones that have been mounted in the P-3/P-4 Hallways.

I have "Extreme Temperature" restriction so as that this Complaint be executed.  
 JUN 12 2015

image. \*

Action Requested to resolve your Complaint.

To have the Screens placed back on the Dayroom & Hallway windows. And have  
(2) Black Fans mounted over the TVs in each Dayroom.

Offender Signature: Johnny Lee Walker 1215507-112 2015 Date: June 10, 2015Grievance Response: 0

Security Staff state the window screens are currently being replaced. They state there are fans directed from the Dayrooms and that offenders are provided cold water as needed.

Signature Authority: Richardson Richardson Date: 6/19/15

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response.  
State the reason for appeal on the Step 2 Form.

Returned because: \*Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. \*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments. \*
- ☐ 5. No documented attempt at informal resolution. \*
- ☐ 6. No requested relief is stated. \*
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # \_\_\_\_\_
- ☐ 10. Illegible/Incomprehensible. \*
- ☐ 11. Inappropriate. \*

UGI Printed Name/Signature: \_\_\_\_\_

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: \_\_\_\_\_

I-127 Back (Revised 11-2010)

**OFFICE USE ONLY**

Initial Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

2<sup>nd</sup> Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

3<sup>rd</sup> Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_



**Texas Department of Criminal Justice**  
**STEP 2** **OFFENDER**  
**GRIEVANCE FORM**

Offender Name: Walker Johnny Lee TDCJ # 1215501  
 Unit: 006. Co. Housing Assignment: 1. 108 Fm 21st  
 Unit where incident occurred: Coffield

**OFFICE USE ONLY**

Grievance #: 2016149396  
 UGI Recd Date: JUN 09 2016  
 HQ Recd Date: JUN 16 2016  
 Date Due: 7.19  
 Grievance Code: 506  
 Investigator ID#: 18144  
 Extension Date: \_\_\_\_\_

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). *I am dissatisfied with the response at Step 1 because...*

I'm appealing the decision of the Step 1 response # 2016149396  
because the Warden's response was a cover-up to keep from  
addressing the real issue. Install toilets in all dayrooms as they used to  
be. Not only does the H.H. Coffield unit house on T.C.J. Metal Fabrication Plant but a  
Maintenance Department as well that can install such toilet. And to address the  
Warden's response the Coffield unit does not adhere to the proper policy of the  
Ingress and Egress, leaving me in the dayroom for hours. To investigate such claim  
you can review the cameras on the Coffield Unit on any given Day, Week, or Month.  
And for God's sake you have a lay-in or had to go to the pill windows, and missed the  
Ingress and Egress cause you're stuck without having access to a toilet. And  
regardless if the Coffield unit was constructed in the 60's. In Ruiz v. Estelle  
503 F.supp 1265 (1980) H4151 shows the policy of the state, that the prison system  
"shall be managed and operated in a manner consistent with the operation of a modern  
prison system and that all inmates shall receive humane treatment," is set out in  
Tex. Rev. Civ. Stat. Ann § 6166 a (1976) Why do all other units have toilets but the  
Coffield Unit? Why am I subjected to be treated like a slave?  
To resolve said problem view Step 1 Action Requested. Your assistance in this  
matter can help the Coffield unit be ran consistent with the creation of a  
modern prison system. This is the 21st. Century.

Offender Signature: \_\_\_\_\_

Date: June 7, 2016

Grievance Response: \_\_\_\_\_

There is no indication of an ACA violation regarding the dayroom set up. Urinals/sinks are provided in each dayroom and you have access to your cell during the hourly ingress process. No corrective action warranted.

Signature Authority: \_\_\_\_\_

Date: 12 July 16

Returned because: \*Resubmit this form when corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.\*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments.\*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate.\*

CGO Staff Signature: \_\_\_\_\_

**OFFICE USE ONLY****Initial Submission**

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

**2<sup>nd</sup> Submission**

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

**3<sup>rd</sup> Submission**

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_



## Texas Department of Criminal Justice

STEP 1

OFFENDER  
GRIEVANCE FORM

U-108

Offender Name: Walker, Johnny Lee TDCJ # 1215501Unit: D-6 Co. Housing Assignment: V-115-FUnit where incident occurred: Coffield Unit

## OFFICE USE ONLY

Grievance #: 2016149396Date Received: 5.26.16Date Due: 7.5.16Grievance Code: 506Investigator ID #: 72204

Extension Date: \_\_\_\_\_

Date Retd to Offender: JUN 02 2016

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Via J.C. Warden Cate and Mrs. Hamel When? May 23-24, 2016What was their response? NoneWhat action was taken? This Complaint.

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

Here on the H.H. Coffield Unit I have been denied access to a toilet by several officials while stuck in the dayrooms for hours at a time. Denying me access to a toilet or the ability to go to my cell when I need to defecate causes me one to three problems. (1) I degrade myself and defecate on myself. (2) I degrade myself and defecate on the runway. (3) Hold my defecation inside my bowel, which causes me pain and discomfort. Here's a fact: The Coffield Unit is one of the only units that don't and won't provide toilets in the dayrooms when and for inmates that get stuck in the dayrooms for the use for defecation.

I've informed Head Warden J. Cate and Mrs. Hamel the A.C.A director on the Coffield Unit but have received no response. **MAY 26 2016**

## Action Requested to resolve your Complaint.

To be housed on the unit or sent to a unit where toilet are readily accessible in the dayroom  
 we have toilets installed in all dayrooms in the building on the H.H. Coffield Unit. "immediate"

Offender Signature: Johnny Lee Walker #1215501 ~~JUL 26 2016~~ Date: May 26, 2016

Grievance Response:

Security Staff state that the Coffield Unit was constructed in the 1960's prior to Units that have toilets in the Dayrooms. They state hourly Ingress and Egress is conducted to provide ample opportunity for offenders to return to their cells to use the toilet.

Signature Authority:

Richardson Richardson

Date: 6-1-16

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: \*Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. \*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments. \*
- ☐ 5. No documented attempt at informal resolution. \*
- ☐ 6. No requested relief is stated. \*
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. \*
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # \_\_\_\_\_
- ☐ 10. Illegible/Incomprehensible. \*
- ☐ 11. Inappropriate. \*

UGI Printed Name/Signature: \_\_\_\_\_

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: \_\_\_\_\_

I-127 Back (Revised 11-2010)

## OFFICE USE ONLY

Initial Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

2<sup>nd</sup> Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

3<sup>rd</sup> Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_



MOVED



## Texas Department of Criminal Justice

## STEP 2

OFFENDER  
GRIEVANCE FORM

Offender Name: Walker, Johnny Lee TDCJ # 1215501  
 Unit: 006 Co. Housing Assignment: Coffield / LT 108  
 Unit where incident occurred: Coffield # 204

## OFFICE USE ONLY

Grievance #: 2016152210  
 UGI Recd Date: JUN 07 2016  
 HQ Recd Date: JUN 13 2016  
 Date Due: 7.17  
 Grievance Code: 506  
 Investigator ID#: I2044  
 Extension Date: \_\_\_\_\_

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). *I am dissatisfied with the response at Step 1 because...*

I'm appealing the response of the Step 1 # 2016152210 because the  
warden refused to correctly resolve the situation.  
Not only is the Coffield Administration discarding me as a  
human being so is the American Correctional Association Committee  
(A.C.A) as I continue to in unsafe conditions as I need not wait for  
a tragic event to happen before action is taken. What makes the modern  
prisons and offenders more special than I. Why must I subject myself  
to a tragic event entering and exiting my bunk. Why can't said problem  
be resolved as stated in the Step 1. I shouldn't have to spend "100"  
medical co payment to have medical give me restrictions to assign me  
a bottom bunk due to my knee & feet going bad trying to enter and exit  
the top bunk or busting my head falling trying to do so. The Step 1  
answers the problem to this situation.

Offender Signature: \_\_\_\_\_

Date: June 6, 2016

Grievance Response: \_\_\_\_\_

An review has been conducted on the Step I grievance and you were appropriately advised at the Unit level. No further action is warranted.

Signature Authority: \_\_\_\_\_

Date: 30 j 16

Returned because: \*Resubmit this form when corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.\*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments.\*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate.\*

CGO Staff Signature: \_\_\_\_\_

**OFFICE USE ONLY****Initial Submission**

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

**2<sup>nd</sup> Submission**

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

**3<sup>rd</sup> Submission**

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_



## Texas Department of Criminal Justice

# STEP 1

## OFFENDER GRIEVANCE FORM

U-108

Offender Name: Walker, Johnny Lee TDCJ # 1215501Unit: 006 Co Housing Assignment: X-122-FUnit where incident occurred: Coffield

## OFFICE USE ONLY

Grievance #: 2016152210Date Received: 6-1-16Date Due: 7-11-16Grievance Code: 506Investigator ID #: P2204

Extension Date: \_\_\_\_\_

Date Retd to Offender: JUN 02 2016

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Mrs. Harrel A.C.A. via T-60 When? May 30, 2016What was their response? NoneWhat action was taken? This Complaint

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

T.D.C.J. and the H.H. Coffield Unit have a S.O.P. (Standard Operating Procedure) for inmates to enter and/or exit the top bunk. Any attempt to enter and/or exit the top bunk is an unsafe act; for the only aid is the toilet, wet sink, door handle, or the lower bunk which put me in a substantial risk of serious harm; Because human beings are naturally predisposed to become confrontational when faced to function under inadequate living space.

The 8th Eighth Amendment imposes affirmative duties upon T.D.C.J. Officials to take reasonable measures to maintain a safe living environment for inmates under their care, see (Farm v. Brennan 509 U.S. at 832, 114 S.Ct. 1470). More importantly it is cruel and unusual punishment to hold prisoners under an unsafe condition and remedy for the unsafe condition need not await a tragic event. See (Helling v. McKinney 509 U.S. 25, 33, 113 S.Ct. 2475, 113 L.Ed.2d 22 (1993) and Barney v. Pulsipher 143 F.3d 1299, 1311 (10th Cir. 1998) Furthermore Prison Officials cannot ignore a problem once it has been brought to their attention. And the Policy of the state says that the Prison System shall be managed and operated in a manner consistent with the operation of a modern Prison System, and that all inmates shall receive human treatment set out in Tex. Rev. Civ. Stat. Ann. § 616.001 (1976)

\* Take note the H.H. Coffield Unit not only has a Maintenance Department that could install step ladder for the safe use in entering and/or exiting the top bunk but it also houses a T.C.I. Metal Fabrication Plant that can do the same.

JUN 30 2016

To resolve this complaint I can be housed in P5/P6 Dorms. Or shipped to a modern prison that have step ladders on the bunks for my safety & health or immediately weld step ladders onto top and bottom bunks.

JUN 01 2016

## Action Requested to resolve your Complaint.

To be housed in P5/P6 Dorms or shipped to a modern prison that have step ladders on the bunks for my safety & health or immediately weld step ladders on to top & bottom bunks.

Offender Signature: Johnny Lee Ladd #1715501 JUN 01 2016 Date: June 1, 2016

Grievance Response:

There is no American Correctional Association Standard that requires the Coffield Unit to place step ladders on the bunks. You do not have any medical restrictions that include assignment to a bottom bunk. If you feel you need these restrictions, contact the Unit Medical Department.

Signature Authority:

Richardson Richardson

Date: 6-1-16

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: \*Resubmit this form when the corrections are made.

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- ☐ 2. Submission in excess of 1 every 7 days. \*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments. \*
- ☐ 5. No documented attempt at informal resolution. \*
- ☐ 6. No requested relief is stated. \*
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. \*
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # \_\_\_\_\_
- ☐ 10. Illegible/Incomprehensible. \*
- ☐ 11. Inappropriate. \*

UGI Printed Name/Signature: \_\_\_\_\_

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: \_\_\_\_\_

I-127 Back (Revised 11-2010)

## OFFICE USE ONLY

Initial Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

2<sup>nd</sup> Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

3<sup>rd</sup> Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_



## Texas Department of Criminal Justice

# STEP 1

## OFFENDER GRIEVANCE FORM

## OFFICE USE ONLY

Grievance #: 2017073268  
 Date Received: 1/17/17  
 Date Due: 2/26/17  
 Grievance Code: 503  
 Investigator ID #: IXXVY  
 Extension Date: \_\_\_\_\_  
 Date Retd to Offender: JAN 24 2017

Offender Name: WALKER, JOHNNY LEE TDCJ # 1215501  
 Unit: C06 CO. Housing Assignment: NO-222T  
 Unit where incident occurred: COFFLED

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Sgt. AVERY, Sgt. POIK, Sgt. T. BLINK & G. MCKNIGHT via #60 When? REPEATEDLY

What was their response? LOOKED AT CRAZY

What action was taken? NONE (THIS COMPLAINT)

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

THIS COMPLAINT IS AGAINST THE COMPLIANCE AND SAFETY OFFICIALS: SGT. T. BLINK AND G. MCKNIGHT DEALING WITH THE SANITATION PROBLEMS ON THE COFFLED UNIT (BUILDING)  
THE SPREAD OF DISEASE IS INCREASED AS THE DAYROOM WINDOWS, FLOORS, BENCHES, AND SINKS AND URINALS ARE NOT CLEANED AND SANITIZED FOR MONTHS AT A TIME IF EVER.  
THERE ARE PISS STAINS IN THE URINALS, BUT THE SAFETY AND COMPLIANCE OFFICIALS DON'T KNOW THIS BECAUSE THEY REFUSE TO WALK AROUND THE UNIT TO SEE THAT THINGS ARE SAFE AND IN COMPLIANCE. MOLD HAS STARTED TO GROW IN THE WINDOW SEALS AND BOBS. AND WHEN I ASK FOR EQUIPMENT AND SUPPLY TO CLEAN THE DAYROOM (S) MYSELF I'M DENIED. I EVEN WENT AS FAR AS TO SEEK A JOB JUST CLEANING THE WINDOW SEALS. THIS SANITATION ISSUE IS EXTREMELY UNHEALTHY AND HAS THE POTENTIAL TO CAUSE HARM. LEGISLATURE DESIRES THAT THE TEXAS DEPARTMENT OF CORRECTIONS FOLLOW STATE HEALTH AND SAFETY STANDARDS. THE POLICY OF THE STATE, THAT THE PRISON SYSTEM SHALL BE MANAGED AND OPERATED IN A MANNER CONSISTANT WITH THE OPERATION OF A MODERN PRISON SYSTEM AND THAT ALL INMATES SHALL RECEIVE HUMANE TREATMENT, IS SET OUT IN TEX. REV. CIV. STAT. ANN. § 01106.03 (1976) PROVIDES THAT THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS IS RESPONSIBLE FOR THE PROPER SANITATION, CARE, TREATMENT, FEEDING, CLOTHING AND MANAGEMENT OF THE INMATES.

TO RESOLVE THIS COMPLAINT I COULD BE HOUSED IN A CLEANER ENVIRONMENT LIKE P6 OR P5 AND I ASK NOT TO BE RETALIATED AGAINST OR HARASSED FOR FILING THIS COMPLAINT. IN THE FORM OF A DISCIPLINARY REPORT, BEING REFUSED A JOB OPPORTUNITY OR A HOUSING CHANGE THAT IS LOOKED AT AS WORSE THEN WHERE I'M HOUSED NOW.

JAN 03 2017

JAN 17 2017

JAN 18 2017

## Action Requested to resolve your Complaint.

TO BE HOUSED IN A CLEANER ENVIRONMENT LIKE P6 AND P5 WHERE THE DAYROOMS AND RESTROOM ARE CLEAN AND SANITIZED EVERY DAY. JAN 17 2017

Offender Signature: [Signature] #1715506 JAN 17 2017

Date: DEC. 31, 2016

Grievance Response:

Security Staff state the dayrooms are cleaned throughout the day. No further action is warranted.

Signature Authority: [Signature] P-cooper

Date: 1-24-17

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: \*Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☒ 2. Submission in excess of 1 every 7 days. \*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments. \*
- ☐ 5. No documented attempt at informal resolution. \*
- ☐ 6. No requested relief is stated. \*
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. \*
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # \_\_\_\_\_
- ☐ 10. Illegible/Incomprehensible. \*
- ☐ 11. Inappropriate. \*

UGI Printed Name/Signature: D-White B-White

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: \_\_\_\_\_

I-127 Back (Revised 11-2010)

## OFFICE USE ONLY

Initial Submission UGI Initials: DW

Grievance #: 2017065571

Screening Criteria Used: # 2

Date Recd from Offender: 1/3/17

Date Returned to Offender: 1/3/17

2<sup>nd</sup> Submission UGI Initials: CV

Grievance #: 2017065571

Screening Criteria Used: 02

Date Recd from Offender: 1-10-17

Date Returned to Offender: 1-10-17

3<sup>rd</sup> Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_



## Texas Department of Criminal Justice

# STEP 1

## OFFENDER GRIEVANCE FORM

OFFICE USE ONLY

Grievance #: 2017058519

Date Received: 12-19-16

Date Due: 1-28-17

Grievance Code: 510

Investigator ID #: 22204

Extension Date: \_\_\_\_\_

Date Retd to Offender: JAN 20 2017

Offender Name: L. WALKER, JOHNNY LEE TDCJ # 1715501

Unit: DD6 CO. Housing Assignment: ~~AL-104-T~~ 22

Unit where incident occurred: CAFFIELD M-222

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? VIA I-60 G. MCKNIGHT & A.C.A. MS HAMEL When? REPEATEDLY

What was their response? NONE

What action was taken? THIS COMPLAINT

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

MY COMPLAINT IS AGAINST THE SAFETY RULES, REGULATIONS AND POLICY OFFICER G. MCKNIGHT; FOR HAVING TOTAL DISREGARD AND REFUSING TO POST THE MAX TOTAL AMOUNT OF INMATES THAT SHOULD BE IN THE SHOWER AT ONCE AS THERE IS FOR THE GYM AND DAYROOMS. AND ALSO ~~REFUSING~~ REFUSING TO POST UP A SHOWER SCHEDULE FOR WHEN THE SHOWERS SHOULD BE OPEN TO ALLOW SHOWERS.

SHOWERS ARE "CONSTANTLY OVERGROWN" CREATING A SAFETY AND HEALTH HAZARD BY PLACING MORE THAN 100 PRISONERS IN THE SHOWER WITH ONLY 60 SHOWER HEADS SEE RHODES V. CHAPMAN 1015 CT. 2392

THIS VIOLATES PD 22 # 22(b) RECKLESS ENDANGERMENT AS WELL AS PD 22 # 23: MISTREATMENT OF OFFENDER PLACING ME IN AN ENVIRONMENT - WHICH CAN BECOME ~~THE~~ THREATENING AND DANGEROUS WITH ITS OVERCROWDING.

I NEED NOT WAIT UNTIL I AM ACTUALLY ASSAULTED TO OBTAIN RELIEF SEE -

TEX. PENAL CODE ANN § 39.021 (1980)

IT IS A VIOLATION OF THE CONSTITUTION TO ALLOW AN INMATE TO BE HURT AFTER THE ADMINISTRATION HAS BEEN INFORMED.

ALTERNATIVELY I REQUEST PG. HOUSING

I ASK NOT TO BE RETALIATED AGAINST FOR MAKING THIS COMPLAINT BY WAY OF A HOUSING DOWN GRADE, REFUSAL OF JOB ASSIGNMENT, OR BY WAY OF DISCIPLINARY REPORT. DEC 19 2016

Action Requested to resolve your Complaint.

TO POST MAX TOTAL AMOUNT OF INMATES THAT SHOULD BE ALLOWED IN THE SHOWER AT ONCE. AND POST UP A SHOWER SCHEDULE FOR WHEN SHOWERS ARE OPEN FOR SHOWERS.

Offender Signature: Johnny Lee Walker 1215501 DEC 19 2016 Date: DEC. 19, 2016

Grievance Response:

The Risk Management Office states that a shower capacity sign is not required by American Correctional Association Standards. No further action is warranted.

Signature Authority: P. Cooper

Date: 1-20-17

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: \*Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. \*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments. \*
- ☐ 5. No documented attempt at informal resolution. \*
- ☐ 6. No requested relief is stated. \*
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. \*
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # \_\_\_\_\_
- ☐ 10. Illegible/Incomprehensible. \*
- ☐ 11. Inappropriate. \*

UGI Printed Name/Signature: \_\_\_\_\_

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: \_\_\_\_\_

I-127 Back (Revised 11-2010)

### OFFICE USE ONLY

Initial Submission UGI Initials: \_\_\_\_\_  
 Grievance #: \_\_\_\_\_  
 Screening Criteria Used: \_\_\_\_\_  
 Date Recd from Offender: \_\_\_\_\_  
 Date Returned to Offender: \_\_\_\_\_  
 2<sup>nd</sup> Submission UGI Initials: \_\_\_\_\_  
 Grievance #: \_\_\_\_\_  
 Screening Criteria Used: \_\_\_\_\_  
 Date Recd from Offender: \_\_\_\_\_  
 Date Returned to Offender: \_\_\_\_\_  
 3<sup>rd</sup> Submission UGI Initials: \_\_\_\_\_  
 Grievance #: \_\_\_\_\_  
 Screening Criteria Used: \_\_\_\_\_  
 Date Recd from Offender: \_\_\_\_\_  
 Date Returned to Offender: \_\_\_\_\_





**TEXAS DEPARTMENT OF CRIMINAL JUSTICE**  
**OFFICE OF THE INSPECTOR GENERAL**

Bruce W. Toney  
Inspector General

John C. West  
General Counsel

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January 26, 2017

Johnny Walker, TDCJ #1215501  
Coffield Unit  
2661 FM 2054  
Tennessee Colony, Texas 75884

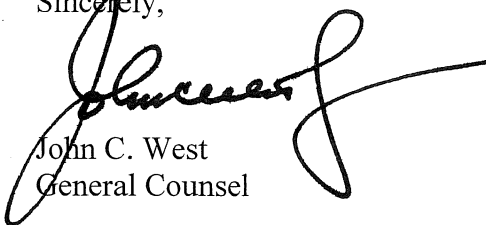
RE: Notice of Intent to Sue

Dear Offender Walker:

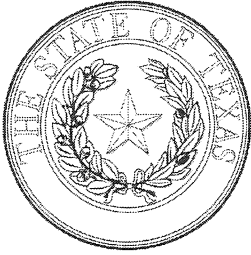
Tis office received your Notice of Intent to Sue containing the signatures of 15 offenders at the Coffield Unit. The letter was addressed to General Counsel Bruce Toney and was therefore forwarded to my office. Please be advised that Bruce Toney is the Inspector General, Office of the Inspector General (OIG) for Texas Department of Criminal Justice (TDCJ).

I have reviewed the notice and do not find any complaints that are directed at OIG, therefore your notice has been forwarded to Sharon Howell, General Counsel for TDCJ.

Sincerely,



John C. West  
General Counsel



## Texas Department of Criminal Justice

**Bryan Collier**  
Executive Director

February 6, 2017

Johnny L. Walker TDCJ # 01215501  
2661 FM 2054  
Tennessee Colony, TX 75884

Re: *Johnny L. Walker TDCJ #01215501 v. TDCJ*  
Date of Incident: January 6, 2017

Dear Mr. Walker:

Please accept this letter as acknowledgment of receipt for your correspondence received by this office on January 30, 2017. Acknowledgment of your correspondence constitutes no admission of liability. We will contact you if additional information is needed or as soon as a determination has been made as to whether your claim should be paid.

Sincerely,

A handwritten signature in dark ink, appearing to be "Sharon Howell".

Office of the General Counsel  
Texas Department of Criminal Justice

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*Our mission is to provide public safety, promote positive change in offender behavior, reintegrate offenders into society, and assist victims of crime.*

**Office of the General Counsel**

**Sharon Felfe Howell, General Counsel – [sharon.howell@tdcj.texas.gov](mailto:sharon.howell@tdcj.texas.gov)**

P.O. Box 13084 Capitol Station  
Austin, Texas 78711-3084  
Phone (512) 463-9899, FAX (512) 936-2159

P.O. Box 4004  
Huntsville, Texas 77342-4004  
Phone (936) 437-6700, FAX (936) 437-6994

[www.tdcj.state.texas.gov](http://www.tdcj.state.texas.gov)



## Texas Department of Criminal Justice

## STEP 2

OFFENDER  
GRIEVANCE FORM

Offender Name: Howard White TDCJ # 1776590  
 Unit: Co. Housing Assignment: B-319 644  
 Unit where incident occurred: \_\_\_\_\_

## OFFICE USE ONLY

Grievance #: 2015184345  
 UGI Recd Date: AUG 12 2015  
 HQ Recd Date: AUG 17 2015  
 Date Due: 9-16  
 Grievance Code: 506  
 Investigator ID#: J2044  
 Extension Date: \_\_\_\_\_

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). I am dissatisfied with the response at Step 1 because...

This is an appeal from Step-1 Grievance # 2015184345 as well as NOTICE OF MY INTENT TO SEEK COMPENSATION for each day that I remain housed in this manner, because the Warden is either incompetent or he is deliberately trying to mislead me into thinking that I am being housed in a humane manner. He alleges that the ACA-standard of 35 sq-ft. of unencumbered space per occupant is a Non-Mandatory ACA standard due to mitigating circumstances. Even if this was so it would still be cruel and unusual to keep (2) Two men in this space (8) eighteen hours per day. This is if you provide that showers, rec. and chow takes up (6) six hours. Next, the Warden fails to mention LOCKDOWNS (24) Twenty-Four hours per day for 14 to 30 days. Is this also in accord with a Non-Mandatory ACA-Standard!!!!

Bottomline, my confinement in this cell with another for weeks constitutes Cruel and Unusual Punishment. My situation is even worse, because it is compounded by the fact that I am a Med-Custody Prisoner being housed in a High-Security-Area in violation of TDCJ Classification Plan; housed in an area where pepper-gas is sprayed regularly on the High Security Prisoners, which said gas wakes me from sleep and/or prevents me from sleeping, Not to mention the noise-level or burning and flooding that goes on.

*These facts violate the Eighth Amendment. - see BATTLE v. ANDERSON, 564 F.2d 388, 395 The ACA and all other Correctional Standards have stated that housing two(2) men in 40-square foot cell for (20) Twenty or more hours per day offends the Contemporary standard of human decency.*

Offender Signature: *Edward White*

Date: *Aug. 8, 2015*

Grievance Response:

An investigation of your Step I grievance was conducted and you were appropriately advised at the Unit level. No further action is warranted.

Signature Authority: *C McKellar ARD C McKellar*

Date: *1 Sept 15*

Returned because: \*Resubmit this form when corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.\*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments.\*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate.\*

CGO Staff Signature: \_\_\_\_\_

#### OFFICE USE ONLY

Initial Submission CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

2<sup>nd</sup> Submission CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

3<sup>rd</sup> Submission CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_



## Texas Department of Criminal Justice

## STEP 1

OFFENDER  
GRIEVANCE FORM

## OFFICE USE ONLY

Grievance #: 2015184345  
 Date Received: 7.27.15  
 Date Due: 9.5.15  
 Grievance Code: 506  
 Investigator ID #: D0646  
 Extension Date: \_\_\_\_\_  
 Date Retd to Offender: JUL 31 2015

Offender Name: HOWARD WHITE TDCJ# 1776590  
 Unit: \_\_\_\_\_ Housing Assignment: B-213-1  
 Unit where incident occurred: COFIELD  
ICC - Inhuman - Living Condition - 506 B317

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when 7/14/15  
 appealing the results of a disciplinary hearing.  
 Who did you talk to (name, title)? I-60 compliance; ACD Officer When? Service most recent  
 What was their response? No Reply to date  
 What action was taken? This Complaint

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

This is an official complaint filed pursuant to Inmate Grievance Code # 506  
Inhuman - Living Condition filed against the compliance officers and ACD Officer due  
to their refusing to take corrective action they refuse to even address the issue of being  
locked in these cells for 24-hours a day for weeks at a time.

I am housed in a cell with another prisoner, yet the cell measures  
45 sq. ft. or less. The SPCA says this is too small for 2 dogs. ACD housing standards  
says its too small for 2-men. This particularly so here in Med-Custody where under  
normal conditions I am in this cell with another for a mini. of (30) twenty hours  
per day. There are lockdown that occurs every (90) ninety days I am forced to  
endure this condition 24-hrs. a day for weeks at a time. I must smell his qqs and  
he smells mine. The serious harm that is caused by the confinement of two persons  
in such inadequate space has been documented in study after study and recognize in  
law - see HUIZ v. Estelle, 533 F. sup. 265; Tilley v. Owens, 907 F. sup. 418 - holding  
where prisoners serving long sentences double-celling an even single-celling in a  
thirty-nine (39) sq. ft. cell was unconstitutional. The cell space is not even  
adequate enough for two people to move around simultaneously, there is no  
sitting space or table for writing. The human-being is naturally predisposed to  
become confrontational when forced to function under inadequate living space - SEE  
FOURER v. BENNAN, 509 U.S. at 832, 114 S. Ct 1970. It is cruel and unusual  
punishment to hold prisoners under unsate conditions and a remedy for unsate  
needs not await a tragic event - Helling v. McKinney, 509 U.S. 2533, 113 S. Ct.

Action Requested to resolve your Complaint.

*I request to have one of these bunks removed from my cell, or that I be single-celled.*

Offender Signature: *Howard White*

Date: *July 17 2015*

Grievance Response:

The Coffield Unit was built in 1972 and does not provide 35 square feet of unencumbered space per occupant as required in the 1986 Michael style prototype facilities. This is a non mandatory ACA standard and has been mitigated due to allowing offenders to exit their cubicles/cells daily. They are allowed to exit for such activities as showers, and indoor/outdoor recreation.

Signature Authority:

*Richardson* Richardson

Date: *7/30/15*

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: \*Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. \*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments. \*
- ☐ 5. No documented attempt at informal resolution. \*
- ☐ 6. No requested relief is stated. \*
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. \*
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # \_\_\_\_\_
- ☐ 10. Illegible/Incomprehensible. \*
- ☐ 11. Inappropriate. \*

UGI Printed Name/Signature: \_\_\_\_\_

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: \_\_\_\_\_

I-127 Back (Revised 11-2010)

### OFFICE USE ONLY

Initial Submission UGI Initials: \_\_\_\_\_  
 Grievance #: \_\_\_\_\_  
 Screening Criteria Used: \_\_\_\_\_  
 Date Recd from Offender: \_\_\_\_\_  
 Date Returned to Offender: \_\_\_\_\_  
**2<sup>nd</sup> Submission** UGI Initials: \_\_\_\_\_  
 Grievance #: \_\_\_\_\_  
 Screening Criteria Used: \_\_\_\_\_  
 Date Recd from Offender: \_\_\_\_\_  
 Date Returned to Offender: \_\_\_\_\_  
**3<sup>rd</sup> Submission** UGI Initials: \_\_\_\_\_  
 Grievance #: \_\_\_\_\_  
 Screening Criteria Used: \_\_\_\_\_  
 Date Recd from Offender: \_\_\_\_\_  
 Date Returned to Offender: \_\_\_\_\_



## Texas Department of Criminal Justice

## STEP 2

OFFENDER  
GRIEVANCE FORM

Offender Name: Howard White TDCJ # 1776590  
 Unit: C0 Housing Assignment: A-115T AWB B  
 Unit where incident occurred: C0-006

## OFFICE USE ONLY

Grievance #: 2016192099  
 UGI Recd Date: AUG 15 2016  
 HQ Recd Date: AUG 19 2016  
 Date Due: 9-24  
 Grievance Code: 506  
 Investigator ID#: I2044  
 Extension Date: \_\_\_\_\_

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). I am dissatisfied with the response at Step 1 because...

This is an appeal from Step-1 Grievance #2016192099 as well as NOTICE OF MY INTENT TO SEEK COMPENSATION for each day that I remain housed in this manner, because the Warden is either incompetent or he is deliberately trying to mislead me into thinking that I am housed in a humane manner. He alleges that ACA-Standard is non-mandatory due to mitigating circumstance, however, those mitigating circumstances do NOT exist here on Med-Custody. Plus they are also non-existent for the entire unit on lockdowns. I just completed (37) Thirty-seven consecutive days of confinement in this cell measuring 45sq. ft. or less with another 24-hours per day. Whether ACA-Standards are waived is irrelevant; the U.S. Constitution forbids Cruel and Unusual Punishment. - Bottom-line, my confinement in this cell with another for days and weeks at a time for 24-hours per day, with temperatures as high as 120° constitutes the Intentional Infliction of Emotional Distress, which amounts to Cruel and Unusual Punishment. The BATTLE Court examined applicable design standards and case law, all of which imposed minima for cell space of sixty square feet or greater per inmate. - see BATTLE v. ANDERSON, 564 F.2d 388, 395. The ACA and all other Correctional Standards have stated that housing two(2) men in (40) forty square foot cell for (20) twenty or more hours per day offends Contemporary Standards of Human Decency.

Offender Signature: Howard WhiteDate: Aug. 13, 2016

Grievance Response:

A review has been conducted on your Step I grievance and you were appropriately advised at the Unit level regarding cell space. It should be noted that Lockdown status is temporary and offenders are not confined to their cells throughout the duration of lockdown. No further action is warranted.

Signature Authority: CMCKELL APP CMCKELLDate: 9 SEP 16Returned because: *\*Resubmit this form when corrections are made.*

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.\*
- ☐ 3. Originals not submitted.\*
- ☐ 4. Inappropriate/Excessive attachments.\*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate.\*

CGO Staff Signature: \_\_\_\_\_

**OFFICE USE ONLY****Initial Submission**

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

**2<sup>nd</sup> Submission**

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

**3<sup>rd</sup> Submission**

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_



## Texas Department of Criminal Justice



STEP 1

OFFENDER  
GRIEVANCE FORM

Grievance #: 2016192099  
 Date Received: 8/8/16  
 Date Due: 9/17/16  
 Grievance Code: 506  
 Investigator ID #: I0846  
 Extension Date: \_\_\_\_\_  
 Date Retd to Offender: AUG 10 2016

Offender Name: Harris White TDCJ # 177659D  
 Unit: CD Housing Assignment: A-15-T  
 Unit where incident occurred: CD  
IG6 #306 Living Conditions #200 Housing

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Via - IGO Classification: Safety When? \_\_\_\_\_

What was their response? No Reply

What action was taken? None - I remain confined to a one (1) man cell w/ another inmate

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

This is an official complaint filed pursuant to inmate grievance codes #506 - Living conditions and #200 cell assignment due to being crowded into a toilet C.I. cell measuring 45sq. ft. or less) with another man most recently - was confined in this manner 24 hrs. per day for about 37 consecutive days which is a regular occurrence due to frequent lockdowns that may last for a month or more. Then during the normal course of operations I still may be confined in this manner because ingress & egress is restricted.

I am housed in a cell with another prisoner yet the cell measures 45sq. ft. or less. The OCA says this is too small for 2 men. OCA housing standards says it's too small for 2 men. This particularly so here on Med-Custody where under normal conditions I am in this cell with another for a min. of (20) twenty hrs. per day. Then on lockdown that occurs every (90) ninety days. I am forced to endure these conditions 24 hrs a day for weeks at a time. I must smell his gas and he smells mine. The harm that is caused by the confinement of two persons in such inadequate space has been documented in study after study and recognized in law - see Ruiz v. Estelle, 503 F. sup. 1265; Tilly v. Owens, 907 F. sup. 48 - holding where prisoners serving long sentences double-celling an even single-celling in a thirty-nine (39) sq. ft. cell was unconstitutional. The cell space is not even adequate enough for two people to move around simultaneously, there is NO sitting space or table for writing. The human being is naturally predisposed to sitting space become contraband when forced to function under inadequate living space - see Farmer v. Brennan 599 U.S. at 832, 114 S.Ct. 1970. It is cruel and unusual punishment to hold prisoners under unsafe

Helling v. McKinney, 509 U.S. 2533, 113 S.Ct. 2475.

08 2016

Action Requested to resolve your Complaint.

Request to have one of these bunks removed from my cell, as that I be single cell.

Offender Signature: David White

Date: 8/8/16

Grievance Response:

The Coffield Unit was built in 1972 and does not provide 35 square feet of unencumbered space per occupant as required in the 1986 Michael style prototype facilities. This is a non mandatory ACA standard and has been mitigated due to allowing offenders to exit their cubicles/cells daily. They are allowed to exit for such activities as showers, and indoor/outdoor recreation. The Coffield Administration continuous monitoring of temperature extreme of hot and cold months. Offenders that are sensitive to temperature extreme are housed in accordance with their HS18 screen.

Signature Authority:

Richardson

Richardson

Date: 8/9/16

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: \*Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. \*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments. \*
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- ☐ 6. No requested relief is stated. \*
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. \*
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # \_\_\_\_\_
- ☐ 10. Illegible/Incomprehensible. \*
- ☐ 11. Inappropriate. \*

UGI Printed Name/Signature: \_\_\_\_\_

Application of the screening criteria for this grievance is not expected to adversely Affect the offender's health.

Medical Signature Authority: \_\_\_\_\_

I-127 Back (Revised 11-2010)

### OFFICE USE ONLY

Initial Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

2<sup>nd</sup> Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

3<sup>rd</sup> Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_